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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,399	03/12/2004	Harold J. Brown	8336.001	6063

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EXAMINER

TSIDULKO, MARK

ART UNIT PAPER NUMBER

2875

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,399

Applicant(s)

BROWN ET AL.

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 051005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Drawings***

The drawings are objected to because the reference character '22' (Fig. 1) indicates the hole for screw "20", but not through hole for the stem, as claimed in claim 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 14, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheer (US 4,748,549) in view of Feldman et al. (US 3,096,031).

Referring to Claim 1 Scheer discloses (Fig.5) a light fixture including a stem [720] having a first end and a second end, a fixture body [80] having a connecting aperture [92], a lock washer [74] having an inner bore and a fastening system [54] and [66] associated with the washer.

Scheer discloses the instant claimed invention except for that the washer is locked with the stem, so that the fixture body is locked with the stem and the washer.

Feldman et al. disclose (Figs.4, 9) a stem [27] connected to the part (angle member) [20] of the fixture body by spring washer [31] that is engaged in a groove [29] to lock the washer on the stem (col.3, lines 7-17).

This non-threaded connection allow to simplify manufacturing and assembling, and decrease the price of the device.

Referring to Claim 2 Scheer discloses the instant claimed invention except for that when the fastening system is disengaged from the washer, the fixture is free to move relative to the stem.

Feldman et al. disclose (Figs.4, 9) a stem [27] connected to the part (angle member) [20] of the fixture body by spring washer [31] that is engaged in a groove [29] to lock the washer on the stem (col.3, lines 7-17). Regarding this connection, it is understood, that when the washer is unlocked from the stem the fixture is free to move relative to the stem.

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Referring to Claim 3 it is clearly understood that the second end of the stem (Fig.5) can be connected to any support surface, including horizontal.

Referring to Claim 4 Scheer discloses the instant claimed invention except for keyed hardware.

Feldman et al. disclose key washer [31] that is engaged in a groove [29] to lock the washer on the stem (col.3, lines 7-17).

Referring to Claim 14 Scheer discloses the instant claimed invention except for retaining connector.

Feldman et al. disclose (Fig.9) the end of stem (near groove [29]) which plays role of the connector and prevents movement of the washer along the axis of the stem.

Referring to Claim 17 it is clearly understood that any desired form of the body is a matter of the design choice, because does not change the functionality of the device.

Referring to Claim 18 Scheer discloses (Fig1) a chandelier.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the lock washer, as taught by Feldman et al., for the device of Scheer, in order to simplify manufacturing and assembling, and decrease the price of the device.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheer and Feldman et al., as applied to claim 1 above, and further in view of Fleitas (US 4,382,495).

Scheer et al. disclose the instant claimed invention except for set screw.

Fleitas discloses a lock washer [62] and set screw [71] which connects the washer to the nut [66] to prevent disengagement.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the set screw, as taught by Fleitas, for the device of Scheer et al., in order to secure the lock washer and prevent disengagement.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheer and Feldman et al., as applied to claim 1 above, and further in view of Kokonis (US 5,826,290).

Scheer et al. disclose the instant claimed invention except for washer welded to the stem.

Kokonis discloses (Fig.6, col.5, lines 7-10) a retaining washer [54] welded to the stem [36]. It can be used to prevent the stem end washer disengagement.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the washer welded to the stem, as shown by Kokonis, for the device of Scheer et al., in order to prevent disengagement.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheer and Feldman et al., as applied to claim 2 above, and further in view of Ito et al. (US 6,712,430).

Scheer et al. disclose the instant claimed invention except for a barrier and washer having projection engaged with the barrier.

Ito et al. disclose (Fig.10) a washer [88] with projection [88b] engaged with the barrier (pin) [86] in order to prevent rotation of the washer.

It is understood that any desired quantity of the barriers made of any desired material known in the art may be used depending on necessity.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the barrier and washer with projection engaged with the barrier, as taught by Ito et al., for the device of Scheer et al. in order to prevent rotation of the washer.

Claim 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheer and Feldman et al., as applied to claim 1 above, and further in view of Patz et al. (US 6,679,620).

Scheer et al. disclose the instant claimed invention except for a chain link.

Patz et al. disclose (Fig.1) a light fixture wherein a second end of the stem [34] has a chain link. The stem is tubular (for receiving a wire [41]).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the chain link, as taught by Patz et al. at the second end of stem of Scheer et al., in order to suspend the stem to horizontal surface if needed.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheer (US 4,748,549) in view of Feldman et al. (US 3,096,031), Fleitas (US 4,382,495) and Kokonis (US 5,826,290).

Scheer discloses (Fig.5) a light fixture including a stem [720 having a first end and a second end, a fixture body [80] having a connecting aperture [92], a lock washer [74] having an inner bore and a fastening system [54] and [66] associated with the washer.

Scheer et al. disclose the instant claimed invention except for a washer welded to the stem and a set screw.

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Kokonis discloses (Fig. 6, col. 5, lines 7-10) a retaining washer [54] welded to the stem [36]. It can be used to prevent the stem end washer disengagement

Fleitas discloses a lock washer [62] and set screw [71] that connects the washer to the nut [66] to prevent disengagement.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the washer welded to the stem, as shown by Kokonis, for the device of Scheer et al., and in order to prevent disengagement to provide the set screw, as taught by Fleitas, for the device of Scheer et al., in order to secure the stem to the body.

Allowable Subject Matter

Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 10 the prior art of record fails to show a light fixture having the bearings.

Claims 11, 12 are objected as claims depended on claim 10.

Referring to Claim 13 the prior art of record fails to show a light fixture having upper bearing abutting a first side of the fixture body and lower bearing abutting a second side of the body.

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Claim 20 is allowed, because the prior art of record fails to show a light fixture having upper bearing abutting a first side of the fixture body and lower bearing abutting a second side of the body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

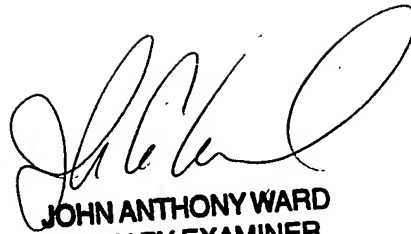
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M.T.

May 10, 2005



JOHN ANTHONY WARD
PRIMARY EXAMINER